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SERVICE DATE - LATE RELEASE JULY 26, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42038

MINNESOTA POWER, INC.

v.

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY

Decided: July 24, 2000

In this proceeding, Minnesota Power, Inc. (MPI) has challenged the reasonableness of the rate charged by the Duluth, Missabe and Iron Range Railway Company (DMIR) for transporting coal from a connection with the Burlington Northern and Santa Fe Railway Company at Keenan, MN, to MPI's Laskin Energy Center, a coal-fired electric generating facility near Colby, MN. In a decision served March 6, 2000, the Board directed DMIR—a non-Class I railroad—to keep its records in accordance with our Uniform System of Accounts (USOA) and collect various operating statistics for the 12-month period beginning May 1, 2000, and thereafter to file a report containing the information needed to permit the development of an accurate estimate of DMIR's variable costs. DMIR has filed a petition for reconsideration, claiming that the requirements imposed by the March 6 decision are unduly burdensome. The American Short Line and Regional Railroad Association has filed in support of DMIR's petition, while MPI has opposed the petition. DMIR has also asked that the requirements imposed on it in the March 6 decision be stayed until the Board has ruled on its petition for reconsideration.

On April 18, 2000, the requirements of the March 6 decision were stayed to permit the Board to consider the issues raised in the petition for reconsideration. The petition for reconsideration raises important and complex issues regarding the industry-wide implications associated with requiring such information from non-Class I railroads, as well as how the Board can best handle rate cases involving such carriers in a manner that is both expeditious and fair to all parties. To permit the Board to issue a decision addressing these issues, the stay of the requirements of the March 6 decision is extended until September 29, 2000.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The date for compliance with the requirements of the March 6 decision is postponed until September 29, 2000.
2. This decision is effective on the date of service.

By the Board, Linda J. Morgan, Chairman.

Vernon A. Williams
Secretary